ssm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.1165 OF 1999

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Ms. Shonali Shinde i/by M/s. Consulta Juris for the petitioner.

CORAM : ANOOP V. MOHTA,J.

DATED : 6th September, 2007

P.C.

1. Though averred in para 5 and 6 that the petitioner has demanded the amount due and payable by the notice dated 27/04/1999, yet there are no positive averments made in the petition that the statutory notice has bee served, contemplated under Section 433 and 434 of the Companies Act. There are no acknolwedgements and or receipts filed alongwith the petition apart from no averments to that effect.

2. The service of statutory notice is a must. Merely because the petitioner has filed the present petition and though served the copy of the petition and no one appeared still, in absence of this basic requirement, I am of the view that the petitioner is no way entitled to claim the winding up of the respondent company. The petition is, therefore, dismissed on this sole ground, with liberty.

(ANOOP V. MOHTA,J.)